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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Swaziland

1. The Committee considered the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Swaziland, submitted in one document (CERD/C/299/Add.2), at its 1209th meeting held on 19 March 1997 (see CERD/C/SR.1209). At its 1213rd meeting, held on 21 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee notes with satisfaction the submission of the report by the State party and the readiness of the Government of Swaziland to resume, after a break of 20 years, a dialogue with the Committee. It regrets that the report under consideration, which combined the fourth to fourteenth reports, has not been prepared in accordance with the Committee's general guidelines and contains insufficient information on the actual implementation of the Convention by the State party. However, the information provided by the delegation of the State party in the course of the oral presentation of the report allowed the Committee to have a more comprehensive view of the overall situation in the country and of the implementation of the Convention. The Committee, having noted that a core document has not been submitted by the Government of Swaziland, draws the attention of the State party to the guidelines for the preparation of that document (HRI/CORE/1).

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of such declaration be considered.

B. Positive aspects

4. Appreciation is expressed with regard to the commitment of the Government of Swaziland to combat racial discrimination and hatred and the efforts made by the State party to comply with the provisions of the Convention, particularly through the adoption of appropriate legislation such as the Race Relations Act 6/1962, the Employment Act of 1980 (sect. 29), the Citizenship Act of 1992 amending the 1982 Citizenship Act which, as had been alleged, had discriminatory aspects. It is also noted with interest that the State party is considering the modification of the Race Relations Act 6/1962 in order to address relevant issues raised by the Convention.

C. Principal subjects of concern

5. The report of the State party does not provide sufficient information with respect to the practical implementation of articles 2, 3 and 6 of the Convention.

6. Concern is expressed at the failure to adopt legislative, administrative and other measures implementing fully the provisions of the Convention contained in article 4, article 5, in particular paragraphs (d) (i) and (e), and article 7. In that connection, it is noted that the Race Relations Act adopted in 1962, prior to the Convention's coming into force, adopted a narrower approach to the definition of the term "racial discrimination", as it speaks only of discrimination based on race and colour.

D. Suggestions and recommendations

7. The Committee, having recalled that the report under consideration did not follow the Committee's guidelines for the preparation of reports had been submitted after a delay of 20 years, requests the State party to comply fully with the reporting obligations under article 9 of the Convention and to ensure that the next report be prepared in accordance with the general guidelines and submitted in time. It also recommends that the core document be submitted without further delay.

8. The Committee recommends that the report to be submitted contain detailed information on such specific issues identified by the Committee as: measures taken to implement article 4; measures which have been taken under articles 5 and 7; and the difficulties encountered in implementing the provisions contained in the Convention.

9. The Committee suggests that the Government of Swaziland may wish to avail itself of technical assistance provided under the advisory services and technical assistance programme of the High Commissioner/Centre for Human Rights of the United Nations.

10. The Committee suggests that account be taken of the Convention's provisions in the envisaged elaboration of a draft new Constitution of Swaziland.

11. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

12. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised during the consideration of the present report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Panama

1. The Committee considered the tenth, twelfth, thirteenth and fourteenth periodic reports of Panama, submitted in a single document (CERD/C/299/Add.1), at its 1208th meeting (CERD/C/SR.1208), on 18 March 1997. At its 1213th meeting, held on 21 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State party's willingness to re-establish a dialogue with the Committee by sending a high-level delegation to present the report, which indicates the importance attached by the Government of Panama to its obligations under the Convention. The Committee regrets, however, that no report was submitted between 1986 and 1996 and that the report submitted does not cover adequately all the rights recognized under articles 2 to 7 of the Convention. The Committee nevertheless expresses its appreciation for the frank dialogue with a competent delegation and for the answers given orally to the wide range of questions asked by its members.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee is aware that Panama is emerging from a period of serious political, social and economic difficulties. The Committee notes that substantial disparities in wealth between different ethnic groups of the population tend to affect the implementation of the Convention in the State party.

C. Positive aspects

4. The recent initiatives taken by the State party to promote and protect human rights, including those enumerated by the Convention, are welcomed. The work undertaken by the National Commission on Administrative Boundaries, which resulted in important negotiations and law reforms such as the enactment of the laws establishing the indigenous comarcas (territorial districts of the indigenous peoples) of Madugandi and Ngobe Bugle, is encouraging. The programmes and initiatives undertaken to protect immigrants and refugees during the period under review are also noted with interest.

5. The adoption in December 1996 of a law establishing an ombudsperson for Human Rights - *Defensor del Pueblo* - is welcomed.

6. The recent adoption and implementation of two training programmes on human rights for law enforcement personnel are welcomed. It is also noted that the Police Academy has for several years included human rights in its curricula.

7. Furthermore, it is noted that in 1995 the State party reformed its employment legislation to, inter alia, combat different forms of racial discrimination.

D. Principal subjects of concern

8. It is noted with concern that no complaints have been filed with the appropriate governmental bodies by individuals or groups during the last 10 years, despite reports that rights covered by the Convention were not fully respected.

9. Concern is expressed that some groups living in Panama, such as indigenous people and members of the black and Asian minorities, do not fully benefit from the rights recognized under the Convention.

10. Concern is also expressed that Panama has not fully complied with the obligations derived from article 4 of the Convention.

11. In the light of article 5 of the Convention, it is noted with concern that the issue of land rights of indigenous people has remained unsolved in a great majority of cases. These land rights seem also to be threatened by the mining activities which have been undertaken - with the approval of the central authorities - by foreign companies, and also by the development of tourism in these regions.

12. It is noted with concern that the legal status of the comarcas in relation to the provinces remains unclear.

13. It is noted with concern that the State party has presented information only on the right to work in its report under article 5 of the Convention. The State party is reminded that article 5 of the Convention also covers several other rights. Furthermore, no information on the implementation of article 6 of the Convention has been provided by the State party in its report.

14. While it is noted that the Canal Zone has a special legal status, it is viewed with concern that workers from Panama are not accorded the same rights as foreign workers employed in this special zone.

15. It is noted with regret that indigenous people have a low rate of participation in elections and are under-represented in the public service.

16. The lack of detailed and disaggregated statistical information on indigenous groups remains a concern, especially as it hampers the Committee's capacity to monitor the implementation of the rights enumerated by the Convention.

E. Suggestions and recommendations

17. The Committee recommends that the State party designate an appropriate body to coordinate and monitor programmes and policies designed to implement the Convention, as envisaged in its General Recommendation XVII.

18. The Committee recommends that the State party take the necessary measures to comply fully with the obligations of article 4 of the Convention.

19. The Committee suggests that the State party include in its next report information on complaints received and judgements issued in cases of racial discrimination.

20. The Committee suggests that the State party take all appropriate measures to disseminate the Convention widely and to translate it into appropriate languages for indigenous groups.

21. The Committee recommends that the State party continue the improvement of training of law enforcement officials in light of the Committee's General Recommendation XIII.

22. The Committee recommends that the State party take appropriate measures to allow full enjoyment by different groups of society, such as indigenous people or members of the black and Asian minorities, of the rights enumerated by the Convention. Special attention is drawn by the Committee to the implementation of the rights enumerated in article 5 (e) (3), (4) and (5) for those specific groups.

23. The Committee strongly recommends that the State party actively pursue its current efforts to implement fully the right of indigenous people to own property and land. It especially recommends that State party investigate and

monitor the impact of the work of mining companies, including foreign ones, as well as the impact of the current development of tourism, on the enjoyment of basic rights by indigenous peoples.

24. In relation to the legal status of the comarcas, the Committee suggests that the State party explain more precisely in its next report the status of the comarcas in comparison to the status of the provinces.

25. The Committee suggests that the State party take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service.

26. The Committee also recommends that the State party include in its next report disaggregated data including information and socio-economic indicators on the demographic composition of its population.

27. With regard to the special status of the Canal Zone, the Committee recommends that the Government of Panama take appropriate measures to ensure that the rights enumerated by the Convention, especially article 5, are enjoyed equally by all residents and workers in that specific area.

28. Furthermore, the Committee encourages the State party to consider ratifying ILO Convention No. 169.

29. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

30. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised in the consideration of the present report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Algeria

1. At its 1216th and 1217th meetings, held on 4 and 5 August 1997, the Committee on the Elimination of Racial Discrimination considered the eleventh and twelfth (consolidated) periodic reports of Algeria (CERD/C/280/Add.3) and adopted, at its 1235th meeting, held on 18 August 1997, the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party and for the additional information that the State party's delegation provided during its oral presentation. However, the Committee regrets that the report does not fully comply with the reporting guidelines and that it fails to provide concrete information on the implementation of the Convention in Algeria and on the actual enjoyment by the population of its rights.

B. Factors and difficulties impeding the implementation of the Convention

3. It is recognized that Algeria has to face economic, social and political challenges, and it is experiencing economic and social problems which might have a negative impact on the situation of the population and which impede the full enjoyment of economic and social rights.

4. The Committee also notes that the climate of violence which has been in existence in Algeria since 1989, and severely affects the civilian population, is an additional and serious obstacle to the full implementation of the Convention.

C. Positive aspects

5. The Committee warmly appreciates the efforts of the State party to implement the Convention under adverse circumstances.

6. It is noted with great appreciation that the State party has made a declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

7. The Committee welcomes the fact that, in accordance with article 123 of the Constitution, international instruments, such as the Convention, that have been ratified, promulgated and implemented by Algeria are part of the State party's domestic law and take priority over norms of domestic law that contradict them.

8. The setting up of the National Cultural Council in 1990, the establishment in 1992 of the National Human Rights Observatory and the establishment of the Office of the High Commissioner on Amazighe Status in 1995, as well as the restructuring of the Amazigh language to make instruction in this language in schools and universities possible, is noted with appreciation.

9. The Committee notes with appreciation that education at all levels is free, as is public health care.

D. Principal subjects of concern

10. Concern is expressed over the insufficiency of information on the ethnic composition of the population of Algeria, which makes it difficult to identify vulnerable groups and to evaluate activities intended for their benefit.

11. Although the periodic report contains information on legislative measures, the Committee regrets the lack of information on judicial, administrative or other measures adopted by the State party to give effect to the provisions of the Convention.

12. Although article 28 of the Algerian Constitution provides for non-discrimination, together with equality before the law and equal protection of the law without discrimination, the Committee is concerned about the failure of the Government to incorporate the prohibition of "racial discrimination" in its domestic law, in accordance with the Convention.

13. Concern is expressed that the State party has not fulfilled all the requirements of article 4 (a) and (b) of the Convention.

14. It is also noted with concern that the lack of information in the report on the implementation of article 5 of the Convention makes it difficult for

the Committee to evaluate the situation with regard to the enjoyment of civil, political, economic, social and cultural rights by the population in Algeria, and in particular by members of the various ethnic groups.

15. The lack of comprehensive information on instances where complaints are lodged by individuals alleging acts of racial discrimination and on compensation paid to victims of such acts makes it difficult to assess whether the provisions of article 6 of the Convention are implemented effectively in Algeria.

16. While the statement made by the delegation of the State party regarding human rights training of judges and law enforcement officials, as well as human rights education at the university level, is welcomed, the information in the written report does not enable the Committee to evaluate the extent and impact of such programmes.

E. Suggestions and recommendations

17. The Committee recommends that the State party describe in its next periodic report all the legislative, judicial, administrative or other measures which give effect to the provisions of the Convention, in accordance with article 9 of the Convention.

18. The Committee recommends that the State party consider incorporating in its domestic legislation a prohibition of racial discrimination, in accordance with the Convention.

19. The Committee reiterates its recommendation, made during the consideration of the tenth periodic report, that the State party provide the information on the composition of the population requested in paragraph 8 of the reporting guidelines and, in particular, information on social indicators reflecting the situation of the ethnic groups, including the Berbers. Such information is essential for the Government itself to detect possible patterns of discrimination and for the Committee to monitor effectively the implementation of the Convention. In this connection, the Committee draws the attention of the Government of Algeria to its General Recommendation IV and suggests that the State party take into consideration its General Recommendation VIII concerning the identification of members of particular racial or ethnic groups.

20. The Committee stresses that the provisions of article 4 of the Convention are mandatory and should be fully implemented, as stated in its General Recommendation VII. In order to prevent the dissemination of racist ideas and incitement to racial hatred, the Committee recommends that the State party comply fully with its obligations under article 4 of the Convention and, in particular, declare illegal and prohibit any organization which promotes or incites racial discrimination. Due account should be taken of the Committee's General Recommendation XV.

21. The Committee recommends that the enjoyment by everyone without discrimination of the rights listed in article 5 of the Convention be ensured, in particular the right to security of person and protection against violence or bodily harm (art. 5 (b)). In connection, with article 5 (e) of the

Convention, adequate indicators and other means of monitoring the economic and social conditions of the ethnic groups should be developed. In that regard, the Committee recommends that the State party provide, in the next periodic report, fuller information on the protection of the rights to work, housing and education from discrimination on grounds of ethnic origin, contained in article 5.

22. The Committee recommends that the next periodic report of the State party contain all available information on complaints and court cases relating to acts of racial discrimination and also information on the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention.

23. The Committee recommends that the Government of Algeria continue and strengthen its human rights training activities for judges, lawyers and magistrates and put special emphasis on education and sensitization programmes about the provisions of the Convention, in accordance with article 7 of the Convention. This type of training should also be provided to law enforcement officials and members of the armed forces. Due account should be taken of the Committee's General Recommendation XIII.

24. The Committee recommends that the State party launch an effective information campaign in order to inform and educate all sectors of society on the provisions of the Convention and inform them of the remedy available under article 14 of the Convention. Additionally, the State party should ensure the wide dissemination of its report and of the concluding observations of the Committee.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.

26. The Committee recommends that the State party's next periodic report be a comprehensive report and address all the concerns expressed by the Committee.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Philippines

1. At its 1218th and 1219th meetings, held on 5 and 6 August 1997, the Committee on the Elimination of Racial Discrimination considered the eleventh to fourteenth periodic reports of the Philippines (CERD/C/299/Add.12) and adopted, at its 1231st meeting, held on 14 August 1997, the following concluding observations.

A. Introduction

2. After a lapse of eight years, the Committee welcomes the opportunity to resume the dialogue with the State party, on the basis of its eleventh to fourteenth periodic reports. While a number of important questions raised and recommendations made during the consideration of the tenth report of the State party have not been addressed in the present report, the Committee expresses its appreciation for the answers provided by the delegation to the many questions asked in the course of the discussion, which enabled it to obtain a clearer picture of the situation in the country with respect to the implementation of the Convention.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that, although the State party has recently introduced important reforms at the political, economic and social levels, the authorities have not yet been able to control endemic poverty, which exacerbates social inequalities and disparities in development, affecting in particular vulnerable groups, including the indigenous cultural communities and Muslim Filipinos.

C. Positive aspects

4. The Committee welcomes the proclamation of the National Decade for Filipino Indigenous People (1995-2005) and the presentation to the President, in compliance with Memorandum Order No. 335 of 26 January 1996, of a Philippines Human Rights Plan, comprising the Sectoral Action Plans for Human Rights Protection of Indigenous Cultural Communities and Muslim Communities.

5. The Committee expresses its satisfaction at the adoption of various measures with the effect, directly or indirectly, of preventing and combating disparities between various ethnic groups, in particular, the adoption of the Social Reform Agenda under the Medium-Term Development Plan, aimed at fighting poverty and attaining social justice; the promulgation of the Rules and Regulations on Children of Indigenous Cultural Communities, seeking to provide those children with basic health, nutrition and other social services; the adoption of measures by the Department of Labour and Employment for the prevention of discrimination against workers from minority groups; and the granting of scholarships to children and youths from the indigenous cultural communities through the National Integration Study Programme and the Special Ethnic Groups Educational Assistance Programme.

6. The Committee notes with appreciation that a number of steps have been taken towards the peaceful settlement of the conflict between the Government and the Muslim Filipino community in the southern part of the country, such as the negotiation of a cease-fire in 1990 and the signing of a peace agreement in 1996 between the Government and the Moro National Liberation Front; the issuance of Executive Order No. 371 of 2 October 1996 establishing a Special Zone of Peace and Development, the Council for Peace and Development and a Consultative Assembly; and the adoption on 15 October 1996 of Administrative Order No. 297 on the implementation of the provision in the peace agreement for members of the Moro National Liberation Front to join the National Police.

7. The Committee notes with satisfaction, with respect to article 5 (d) (v) of the Convention, the launching of the Comprehensive Agrarian Reform Programme to improve the tenure of indigenous cultural communities in their ancestral lands, and the issuance of Administrative Order No. 02, Series of 1993, providing for the issuance of certificates of ancestral land and domain claims to individuals, families or clans, and indigenous communities, even though those certificates do not constitute titles of property in land.

8. With respect to article 7 of the Convention, the Committee welcomes the adoption of measures such as the issuance of Executive Order No. 27 of 1986, instructing the Department of Education, Culture and Sports to include the study of human rights in the curricula at all levels of education; the creation by the Department of Education, Culture and Sports of "writeshops" on peace education in which members of indigenous cultural communities participated; and the setting up by the Department of Education, Culture and Sports and the Commission on Human Rights of training programmes on human rights for supervisors, who will in turn train teachers on the ways to introduce human rights education in schools.

9. The Committee is encouraged by the several bills pending before Congress, specifically dealing with the solution of the fundamental issue of the restoration of the indigenous cultural communities' rights to their ancestral domains/lands (House Bill No. 33 and Senate Bill No. 1728), with equal employment opportunities for members of the indigenous cultural communities and Muslim Filipinos (Senate Bills No. 153, 212 and 1057) and with improvement of the economic and social situation of the cultural communities (Senate Bill No. 1476). The Committee is further encouraged by the action of President Ramos in requesting Congress to enact these bills into law by November 1997.

10. The Committee welcomes the establishment of the Commission on Human Rights and of the Tanodbayan (Ombudsman).

D. Principal subjects of concern

11. In connection with the statement in paragraph 4 of the report, that "racial discrimination, as defined under article 1, paragraph 1, of the Convention, is alien to the prevailing mores and culture of the Filipino people. The type of racial discrimination similar to what was practised in South Africa when the policy of apartheid was not yet dismantled, has never officially or factually existed in the Philippines, neither in a systemic nor formal nor intermittent nor isolated manner. Hence, there have never been any references to the existence of a discriminatory policy on racial grounds nor have there been any allegations of instances of racial discrimination as a specific kind of human rights violation in the Philippines, even before or immediately after the Philippines adopted and ratified the Convention on 21 December 1965 and 15 September 1967, respectively". The Committee emphasizes that the scope of article 1, paragraph 1, of the Convention is broader. The article covers any distinction, exclusion, restriction or preference that has either the purpose or the effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis in the political, social, cultural or any other field of public life. Moreover, the report and the information received show that important parts of the population are living in conditions which do not guarantee the exercise of human rights under equal terms.

12. It is noted with concern that there is no specific legislation prohibiting racial discrimination. The Constitution incorporates a comprehensive catalogue of human rights, but legislative, judicial and administrative measures to implement these provisions are still lacking. In this respect, reference is made in particular to articles 2, 4 and 7 of the Convention, which explicitly require States parties to adopt specific measures to give full effect to the rights in question.

13. There has been no clarification of whether Presidential Decree 1350-A of 1978, declaring violations of the Convention unlawful and providing penalties for such violations, is in full conformity with the provisions of article 4 of the Convention; the provisions require that legislative provisions be adopted to classify as an offence the dissemination of ideas based on racial superiority or hatred, acts of violence or incitement to violence against any race or group of persons of another colour or ethnic origin and the provision of assistance to racist activities.

14. The lack of specific disaggregated data concerning the economic and social situation of and existing disparities between various indigenous communities and ethnic tribes living in the country makes it difficult to assess the extent to which they enjoy the rights listed in the Convention.

15. There is no information in the report on the specific laws and practice with respect to the implementation of article 5 of the Convention, especially with respect to the enjoyment of those rights by members of the indigenous cultural communities and the Muslim Filipinos.

16. With respect to article 5, paragraphs (a) and (b), of the Convention, there is concern that many reported cases of disappearances, including members of indigenous peoples and Muslim Filipinos, have not yet been fully investigated and brought before the courts.

17. In connection with article 5 (d) (I) (v) of the Convention, concern is expressed at reports of forced evictions and displacements of indigenous populations in development zones, as well as at reports that specific groups of indigenous peoples have been denied by force the right to return to some of their ancestral lands.

18. With respect to article 6 of the Convention, there is concern at the lack of legislative provisions to implement the right to just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination. Moreover, the absence of reported violations of Presidential Decree 1350-A and of complaints against acts of racial discrimination to the courts raises doubts as to the extent of the publicity given to and the effectiveness of available remedies for victims of racial discrimination.

19. The information concerning the 1990 population census does not clarify sufficiently the questions and comments raised and made during the consideration of the tenth report, particularly in respect of indigenous cultural communities and ethnic tribes.

E. Suggestions and recommendations

20. The Committee recommends that priority attention be given to the enactment of the bills relating to indigenous cultural communities and Muslim Filipinos pending before Congress, that enabling laws be adopted to give full effect to constitutional provisions dealing with the promotion and protection of human rights in general and to the rights protected by the Convention in particular, and that domestic legislation be amended so that it prohibits, as appropriate, racial discrimination as defined in article 1, paragraph 1 of the Convention.

21. The Committee recommends that in its next periodic report the State party deal with measures promoting the interests and welfare of the indigenous cultural communities and Muslim Filipinos as an integral part of its implementation of the provisions of the Convention, rather than as a separate chapter.

22. The Committee also recommends that the next periodic report contain comprehensive information on the powers, functions and activities of the Commission on Human Rights and the Ombudsman, especially on the number and the substance of complaints received, and the action taken as a result.

23. The Committee recommends that information on the ethnic composition of the population, the standard of living of each group, as well as other educational and social indicators, analysed and summarized on the basis of the 1990 population census, be provided in the next periodic report, with particular emphasis on indigenous ethnic communities and tribes.

24. The Committee reaffirms that the provisions of article 4 of the Convention are mandatory, as stated in its General Recommendation VII (32), and recommends that Presidential Decree 1350-A of 1978 be reviewed in the light of this recommendation. The Committee stresses in this regard that the State party should fulfil all its obligations under this article and that, in doing so, it should take fully into account General Recommendation XV (42).

25. The Committee recommends that action be taken at the legislative, administrative and judicial levels to protect the right of everyone, without discrimination, to enjoy their rights under article 5 of the Convention, especially the rights to equal treatment before the courts and all other organs administering justice, to security of person and protection by the State against violence or bodily harm, and to freedom of movement and residence.

26. The Committee recommends that the State party ensure protection against any acts of racial discrimination through the competent courts, in accordance with article 6 of the Convention, by, inter alia, strengthening the court system, the independence of the judiciary and the confidence of the population therein. It further recommends that the right to seek just and adequate reparation for victims of acts of racial discrimination be fully guaranteed under the law and in practice.

27. The Committee recommends that further action be taken to ensure that the provisions of the Convention are more widely disseminated, particularly among members of minority groups and among the judiciary, the police and government officials. In this respect, the Committee recommends that special emphasis be put on the dissemination of information about remedies available in cases of racial discrimination.

28. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

29. It is noted that the State party has not made the declaration provided in article 14 of the Convention, and some members of the Committee requested that the possibility of making the declaration be considered.

30. The Committee recommends that the State party's next periodic report, due on 4 January 1998, be a comprehensive report and that it address all the points raised in the present observations.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Denmark

1. At its 1220th and 1221st meetings, held on 6 and 7 August 1997, the Committee on the Elimination of Racial Discrimination considered the thirteenth periodic report of Denmark (CERD/C/319/Add.1) and adopted, at its 1230th meeting, held on 13 August 1997, the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State Party's readiness to continue the dialogue with it by sending a highly specialized delegation to present the thirteenth periodic report, which is an indication of the importance attached by the Government of Denmark to its obligations under the Convention. The Committee appreciates the frankness and the comprehensiveness of the updated report, which in general complies with the reporting guidelines and which contains detailed supplementary information in response to most of the suggestions and recommendations adopted by the Committee during its consideration of the previous periodic report. The Committee also welcomes the additional written and oral information provided by the State party's delegation, which enabled it to establish a very constructive and fruitful dialogue with the Committee.

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B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Denmark.

C. Positive aspects

4. It is noted with appreciation that the State party has ensured a wide dissemination of its reports under the Convention in the national language, to members of the Parliament, to non-governmental organizations and to the public at large, and on the Internet, together with the concluding observations of the Committee.

5. The Committee welcomes the several positive legislative measures taken to combat ethnic discrimination, in particular on the labour market. The Act on Prohibition against Differential Treatment on the Labour Market, which came into effect on 1 July 1996, is noted with interest, as well as the "Icebreaker arrangement", which aims at providing financial assistance, under certain conditions, to enterprises of up to 250 employees which hire highly educated immigrants or refugees. Furthermore, programmes initiated in the field of placement services and vocational training courses for immigrants and refugees, to improve their entry into the labour market, are noted with interest.

6. Efforts made by the State party to facilitate the integration of refugees and immigrants, including the draft bill on integration of refugees and immigrants prepared by the Integration Committee, are noted with satisfaction.

7. Efforts made by the State party to ensure that the composition of the police service reflects that of the population by including persons of non-Danish ethnic origin are noted with satisfaction. Improvements in the human rights training of the police, designed to combat negative attitudes towards minorities and to promote good relationship with ethnic minorities, are welcomed.

8. The allocation of special funds for assistance to the operation of ethnic associations, to cultural and information activities for and about immigrants and refugees, as well as to the development of integration projects, is welcomed as a step forward in the implementation of integration policy.

9. It is noted with appreciation that Denmark has ratified the amendments to article 8, paragraph 6, of the Convention.

10. The active participation of the State party in international efforts to combat racism is welcomed.

D. Principal subjects of concern

11. The Committee regrets that the thirteenth periodic report does not provide sufficient information previously requested on the implementation of article 3 of the Convention, with particular reference to the allocation of housing and requirements to attend special schools.

12. Although the amendment of section 266 b of the Penal Code assists the more effective implementation of obligations deriving from article 4 of the

12. Although the amendment of section 266 b of the Penal Code assists the more effective implementation of obligations deriving from article 4 of the Convention, two concerns remain: firstly, that prosecuting practice is focusing too much on propaganda activities while other means of disseminating racist ideas are treated as minor offences; this gives a restrictive interpretation to the provisions of this article. Secondly, the Committee expresses particular concern at the lenient attitude towards the dissemination of racist ideas over the radio. It is also noted that organizations using racist propaganda to incite racial discrimination are not declared illegal and not prohibited.

13. Concern is expressed over reports of discriminatory practices affecting residents of non-Danish ethnic or national origin, especially in respect of employment, housing and bank loans.

14. Concern is expressed that a rigid implementation of the law of 1981 on names has a discriminatory effect on residents of non-Danish ethnic or national origin.

15. The Committee notes with concern that the State party did not provide information on the implementation of article 6 of the Convention on effective protection and remedies, and on the right to seek just and adequate reparation or satisfaction.

16. Concern is also expressed over the insufficiency of the information on the relocation of seal hunters' villages in Thule in 1953 and, in particular, about the persistent long delay in resolving the compensation claim of the population of Thule, displaced from their traditional hunting grounds and places of settlement.

E. Suggestions and recommendations

17. The Committee recommends that the State party provide detailed information in its next periodic report on the implementation of article 3 of the Convention, in the light of the Committee's General Recommendation XIX.

18. The Committee reaffirms that the provisions of article 4 of the Convention are of a mandatory character and recommends that the State party introduce measures that fully implement this provision. It is recommended that the procedure and practice of licensing radio transmissions be reconsidered.

19. The Committee encourages the State party to transmit in its next periodic report up-to-date information concerning judgements on cases falling under article 4 of the Convention and under section 266 b of the Danish Penal Code.

20. The Committee recommends that the State party review its measures for guaranteeing, in accordance with article 5 of the Convention, the economic and social rights of residents of non-Danish ethnic or national origin with particular reference to the rights to work and to housing. The attention of the State party is drawn to the Committee's General Recommendation XI.

21. The Committee recommends that the State party include information in its next periodic report on the implementation of article 6 of the Convention. This information should also pertain to Greenland and the Faroe Islands.

22. The Committee reiterates its previous recommendation regarding information on compensation for the population of Thule, Greenland, who have been displaced from their traditional hunting grounds and places of settlement. The Committee recommends that the State party inform it of the latest developments concerning the agreement concerning assistance between the Danish authorities and the Greenland Home Rule Government.

23. The Committee recommends that the State party's next periodic report contain specific information regarding the status and implementation of the Convention in Greenland and the Faroe Islands, and address all the concerns expressed by the Committee.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Poland

1. At its 1222nd and 1223rd meetings, held on 7 and 8 August 1997, the Committee on the Elimination of Racial Discrimination considered the thirteenth and fourteenth periodic reports of Poland (CERD/C/299/Add.10) and adopted, at its 1235th and 1236th meetings, held on 18 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the Government of Poland, which generally follows the guidelines and contains information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the supplementary information given to it during the consideration of the report. It expresses its appreciation for the dialogue with the high-level delegation and for the detailed answers given orally to the questions raised by members.

3. The Committee notes with satisfaction the commitment of the State party to make shortly the declaration under article 14 of the Convention recognizing the Committee's competence to examine complaints of persons who claim to be victims of violation by the State party of the rights set forth in the Convention.

B. Factors and difficulties impeding the implementation of the Convention

4. The economic changes that are still taking place in Poland may affect the full enjoyment of economic, social and cultural rights, especially of those belonging to minority groups.

C. Positive aspects

5. The recent adoption by the National Assembly of the State party of a new Constitution, which will enter into force on 17 October 1997, under which the Convention will be directly applicable by the courts is noted with interest. It is also noted that a new Penal Code, a Code of Criminal Procedure and a Code of Execution of Penalties have been adopted and will all enter into force on 1 January 1998.

6. The measures taken by the competent authorities of the State party in recent cases of incitement to racial hatred are welcomed. The work of the Ombudsman in relation to the promotion and protection of human rights is also a positive development.

7. The efforts undertaken by the State party to protect minorities are welcomed. In this regard, the bilateral treaties, which include specific provisions of protection against racial discrimination and guarantees of equal rights with regard to minorities, that have been signed with neighbouring countries, are an encouraging development. It is also noted with satisfaction that the Act on the Elections to the Sejm of 28 May 1993 provides measures for promoting minority rights in the electoral process.

8. The agreement on relations between the State and the three main Churches adopted on 20 February 1997 is welcomed, as well as the agreement between the State and the Jewish communities of Poland in which, inter alia, the State recognizes their ownership rights with respect to the property which belonged to those communities on 1 September 1939 and was taken over by the State after the Second World War.

D. Principal subjects of concern

9. Despite the written and oral information provided by the Polish representative, regarding the self-executing character of the Convention in domestic law, concern is expressed at the absence of specific legislative measures to enforce some of its provisions.

10. It is noted with concern that several serious acts of violence relating to racial discrimination have taken place in the State party during the period under review, targeting especially Jews and Roma minorities.

11. Concern is expressed at the insufficient legal framework from declaring illegal and prohibiting non-political groups and associations which disseminate ideas based on racial superiority or hatred, incitement to racial discrimination as well as acts of violence or incitement to such acts against any race or group of persons.

12. With regard to the implementation of article 5 of the Convention, concern is expressed that the rights to work and housing of persons belonging to minorities may not be sufficiently protected from racial discrimination in the current period of economic transition.

13. It is noted with concern that, despite evident efforts made by the authorities, children belonging to minority groups do not always have access to education in their own language.

E. Suggestions and recommendations

14. The Committee suggests that the State party fully clarify in its next periodic report the status of the International Convention on the Elimination of All Forms of Racial Discrimination in relation to domestic law. Additionally, it would welcome in the next report examples of court decisions relating to this matter, if any are available.

15. With regard to non-political groups and associations which disseminate ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons, the Committee recommends that the State party take all measures required under the Convention to prohibit their existence.

16. With regard to statistical information on minorities, the Committee suggests that the State party take all appropriate measures to compile more precise information and include such data in the next periodic report.

17. The Committee recommends that the State party also take measures more fully to guarantee economic, social and cultural rights, as defined in article 5 (e), for minority groups, including the rights to work and to housing, and that it include more comprehensive information in its next periodic report on the implementation of the provisions of article 5 (e). The Committee also recommends that the State party adopt a comprehensive programme of action to promote and protect the rights of the Roma population.

18. While acknowledging the recent efforts made by the State party in this regard, the Committee recommends that the authorities increase their efforts to give children belonging to minorities fuller access to education in their own language. It also recommends that the authorities take appropriate measures to meet the specific educational needs of Roma children.

19. The Committee recommends that the next report contain detailed information regarding prosecutions for acts of racial discrimination.

20. The Committee recommends that the State party ensure the wide dissemination of its report and of the concluding observations of the Committee.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the fourteenth meeting of States parties.

22. The Committee recommends that the State party's next periodic report be an updating report and address the concerns expressed by the Committee.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Sweden

1. At its 1224th and 1225th meetings, held on 8 and 11 August 1997, the Committee considered the twelfth periodic report of Sweden (CERD/C/280/Add.4), and adopted, at its 1240th meeting, held on 20 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the State party, which contains relevant information about measures taken with respect to the implementation of the Convention since the consideration of the eleventh periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank and constructive dialogue with the delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that the recession has had serious consequences for the State party in general and has led to severe setbacks for refugees and immigrants, in particular. The consequences of the recession have been most felt in the labour market situation of refugees and immigrants, who have been found worse off than Swedes in most areas of society, and the gap has been widening.

C. Positive aspects

4. The high standards of the State party regarding the protection of human rights and its affirmed commitment to implementing the provisions of the Convention are noted with appreciation. Sweden is among the limited number of States parties that has made the declaration under article 14 of the Convention and has accepted the amendment to article 8, paragraph 6, of the Convention.

5. The statement to the effect that the State party has in just a few decades developed from a relatively ethnically homogenous society into a multi-cultural society (para.2 of the report) has been noted with great interest and appreciation.

6. The Committee notes that the State party intends to review the Act against Ethnic Discrimination of 1994 because it is not having the desired effect.

7. The Committee welcomes the adoption of new legislation which broadens the definition of "refugee".

8. The activities of various governmental institutions concerned with integration policies and combating racism and xenophobia, such as the Ombudsman against Ethnic Discrimination, the Swedish Immigration Board, the Parliamentary Commission entrusted with the task to review Swedish immigration and refugee policies, and the Parliamentary Commission reviewing policies with respect to the long-term integration of immigrants and refugees in Sweden as well as the active participation of the State party in international efforts to combat racism are welcomed.

9. The Committee welcomes the establishment of the Sami Parliament and will follow its work with interest.

10. Note is taken with appreciation of the fact that in Sweden non-nationals have the right to vote and stand for election in municipal elections.

11. It is noted with appreciation that the State party has established a system of education for refugees and immigrants.

D. Principal subjects of concern

12. The Committee expresses concern at the finding of a research project conducted by the National Council for Crime Prevention that crimes with racial motives have increased since 1980.

13. The social position of Roma, particularly in such areas as education and employment, has been found to be less favourable than that of the rest of the population. As a result, many of them depend on social welfare benefits.

14. Concern is expressed that existing legislation does not fully implement article 4 of the Convention.

15. Concern is expressed about the low and declining participation by non-nationals in local elections.

16. Concern is also expressed at the activities based on ideas or theories of racial superiority of various organizations and individuals in the State party, and at the increasing dissemination of recorded music, with lyrics promoting hatred against ethnic minorities.

E. Suggestions and recommendations

17. The Committee recommends that the State party, while reviewing its legislation, pay particular attention to the full implementation of the provisions of the Convention, in particular article 4, and calls attention to its General Recommendation XV.

18. The Committee recommends that the State party provide in its next periodic report information on the number of complaints, judicial decisions and compensation awards concerning acts of racism in all their forms.

19. It is the view of the Committee that further measures should be taken in order to ensure the use by Sami of their own language.

20. The Committee recommends that the policy of promoting equal opportunity in economic and social life for immigrants, refugees and ethnic minorities be reinforced by appropriate legislative, administrative and other measures.

21. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely disseminated among the Roma, the Sami and "Tornedal Finns", immigrant associations, and other ethnic groups, as well as among government officials, employers and trade unions. The public should also be better informed about available recourse under article 14 of the Convention. Furthermore, it is recommended that the twelfth periodic report be widely disseminated, along with the concluding observations adopted by the Committee thereon.

22. The Committee recommends that the State party's next periodic report, due on 5 January 1997, be an updating report and that it address all the points raised in the present observations.

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Elimination of Racial Discrimination

The former Yugoslav Republic of Macedonia

1. The Committee considered the initial, second and third periodic reports, consolidated in one document, of the former Yugoslav Republic of Macedonia (CERD/270/Add.2) at its 1226th and 1227th meetings (CERD/C/SR/1226 and 1227), held on 11 and 12 August 1997, and at its 1241st meeting, held on 21 August 1997, adopted the following concluding observations.

A. Introduction

2. The Committee commends the State party on the quality of its initial report prepared in accordance with the Committee's guidelines. The Committee notes with appreciation the high-level delegation which presented the report, indicating the importance attached by the State party to the Convention. It further notes the open and constructive dialogue with representatives of the State party. The Committee expresses its appreciation to the delegation of the State party for the additional information that it provided to the Committee orally and in writing.

B. Factors and difficulties impeding the implementation of the Convention

3. It is recognized that the State party has experienced considerable economic difficulties, partly resulting from hostilities in the Balkan region, which have had a negative impact on the enjoyment of human rights, including those protected by the Convention.

C. Positive aspects

4. The State party is commended for the many legislative acts which have been adopted in order to comply with the provisions of the Convention, including the Act on Public Information; the Act on Telecommunications, which prohibits the use of mass media to incite national, racial or religious hatred or intolerance; the Act on Political Parties, which prohibits the establishment of those parties whose aim is the incitement of national, racial and religious hatred and intolerance, and the Act on Social Organizations and Citizens' Associations, which prohibits activities which violate human freedoms and rights or encourage national, racial or religious hatred or intolerance.

5. The willingness affirmed by representatives of the State party during the dialogue with the Committee to make the declaration under article 14 of the Convention and to consider the ratification of the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties, is welcomed.

D. Principal subjects of concern

6. The lack of statistical information on the invocation of the various protections against racial discrimination, in particular those referred to in paragraph 4 above, is noted with concern.

7. It is noted that the representation of various ethnic groups in the judiciary, Parliament, and other public bodies and agencies of Government continues to be less than their respective percentages in the population.

8. With respect to article 5 of the Convention, the lack of sufficient information on the participation of ethnic minorities in public life and on their economic and social situation, especially with regard to access to employment, health, education and housing, is regretted.

9. Concern is expressed that it was impossible to conduct the census in the whole territory of the State party.

10. Concern is expressed at the low levels of participation, in particular in secondary and higher education, of certain minorities, notably of Roma children and Albanian girl children in rural areas.

11. With regard to article 7 of the Convention, concern is expressed that there is little or no reference to the Convention in human rights educational programmes.

E. Suggestions and recommendations

12. More information is requested in the next periodic report concerning the participation of the various minorities in public life and the implementation and enjoyment by them, on a non-discriminatory basis, of the human rights contained in the various laws.

13. The Committee encourages the State party to continue its programmes of affirmative action in order to increase the representation of the ethnic minorities in public life, including in the civil service, army and police.

14. Emphasizing the role of the justice system in eliminating racial discrimination, the Committee asks to be provided with additional information on whether the Convention is directly applicable before the domestic courts, on the effectiveness of remedies in cases of racial discrimination, on the number of complaints of racial or racially motivated offences, and on the judicial action taken on those complaints and the redress or compensation awarded to victims.

15. The Committee recommends that the State party continue its efforts to facilitate the participation of different ethnic minorities in the educational system, in particular at the secondary and higher educational levels, and to provide for the training of teachers for minority languages in public establishments.

16. The Committee suggests that the State party consider incorporating the Convention into its human rights programmes in school curricula with a view to promoting the prevention of racial discrimination.

17. While recommending to the State party to provide greater educational and cultural opportunities to the Albanian minority, it was also felt that this minority should truly see its future as lying within the State party.

18. The Committee recommends that the State party's next periodic report, due on 17 September 1998, be an updating report and that it address all the points raised in the present observations.

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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Argentina

1. At its 1228th and 1229th meetings, held on 12 and 13 August 1997, the Committee considered the eleventh to fourteenth periodic reports of Argentina submitted in a single document (CERD/C/299/Add.11) and, at its 1240th and 1241st meetings, held on 20 and 21 August 1997, adopted the following concluding observations:

A. Introduction

2. The Committee welcomes the opportunity to continue the dialogue with the State party on the basis of the eleventh to fourteenth periodic reports and the core document. The information provided orally by the delegation and the replies to the many questions asked by the members of the Committee filled gaps resulting from the brevity of the information contained in the report on some articles of the Convention and gave the Committee a clearer idea of the situation with regard to the implementation of the Convention in Argentina.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that Argentina is going through a period of economic problems which make the implementation of the Convention more difficult, since some of the main victims of unemployment and poverty are members of indigenous populations and ethnic minorities.

C. Positive aspects

4. It is noted with satisfaction that international human rights treaties, including the Convention, rank higher than domestic law in accordance with article 75, paragraph 22, of the 1994 Constitution and that individuals have the possibility of directly invoking the provisions of the Convention in the courts.

5. The establishment, by Act No. 24284 of 1 December 1993, of the post of Ombudsman as an independent body that is responsible for protecting the rights and interests of individuals and communities against acts or omissions by the national public administration and has the possibility of instituting inquiries either on its own initiative or at the request of an individual is welcomed as a positive measure.

6. It is noted with satisfaction that, under article 43 of the 1994 Constitution, an application for amparo may be filed in the event of discrimination of any kind.

7. A number of constitutional provisions on indigenous peoples introduced during the amendment of the 1994 Constitution are a definite step forward. This is true, for example, of the granting of legal personality to indigenous communities; guarantees of respect for the cultural identity of such communities; possession and community land ownership; and the participation of indigenous persons in the management of natural resources and in other activities of concern to them.

8. The establishment in the Ministry of the Interior of the National Institute to Combat Discrimination, Xenophobia and Racism, which was given the responsibility by Act No. 242.515 of 20 July 1995 of developing national policies and practical measures to combat discrimination, xenophobia and racism, is welcomed with satisfaction.

9. It is also noted that the National Institute to Combat Discrimination, Xenophobia and Racism has adopted important measures relating to bilingual and cross-cultural education, the integration of indigenous scholarship students in the traditional school system and financial assistance for projects to raise the standard of living of certain communities. The projects being implemented for the Wichi ethnic group in the Chaco region are particularly welcomed.

10. The steps the Indigenous Communities' Institute has taken with a view to the transfer of estate land to the indigenous communities that have always occupied it by working, inter alia, in cooperation with the provincial authorities on the regularization of title deeds are welcomed with satisfaction.

11. In connection with article 5 of the Convention, the conclusion of a bilateral agreement with Bolivia to regularize the situation of some 500,000 Bolivians living illegally in Argentina, as well as the legalization of the situation of 250,000 foreigners in Argentina under Decree No. 1033/92, are welcomed with satisfaction.

12. The establishment of the Refugee Eligibility Committee and its close cooperation with the Office of the United Nations High Commissioner for Refugees are regarded as positive.

13. The adoption of Decree No. 232/92, providing that documents on Nazi criminals are no longer confidential for reasons of State, as a means of speeding up investigations in connection with persons who might have taken refuge in Argentine territory, and the establishment in 1992 of the Commission to Shed Light on Nazi Activities in Argentina are regarded as positive.

14. The organization of seminars and training programmes on human rights and the prevention of racial discrimination for judges and the staff of the Federal Prison Service is noted with satisfaction.

15. Great importance is also attached to the implementation, by the Ministry of the Interior, of the National Anti-Discrimination Programme, which is designed to support popular education programmes proposed by non-governmental organizations and provides for the possibility of emergency action to deal immediately with discriminatory acts.

D. Principal subjects of concern

16. The lack of information on the representation of indigenous peoples and other ethnic minorities in the civil service, the police, the judicial system, the Congress and the socio-economic life of the country in general is regretted, since it hampers a full evaluation by the Committee of the implementation of the provisions of the Convention relating to such peoples.

17. Noting with satisfaction that racial motivation is regarded by Act No. 23-529 of 1988 as an aggravating circumstance in the case of various offences punishable by criminal law, the Committee regrets that the provisions of article 4 of the Convention have not been fully implemented by means of provisions on specific offences constituted by the acts referred to in that article, such as the dissemination of and propaganda for racist ideas, incitement to racial discrimination, racial violence and the establishment of racist organizations.

18. The scant information on the implementation of the provisions of article 5 of the Convention is regretted, although reference is made to discrimination against members of indigenous populations and minorities in the enjoyment of certain rights, particularly those provided for in article 5 (e) (i), (iv) and (v) of the Convention.

19. With regard to the transfer of estate land to indigenous communities, it is noted with concern that problems continue to exist in practice and that, in some cases, enormous difficulties, which are often caused by land owners, are delaying these transfers. It is also noted with concern that some communities have been subjected to intimidation and pressure to give up their claims to such land. It is also regretted that information has not be provided on procedures for the consultation of indigenous communities during the land transfer process.

20. It is regretted that there is still a lack of information on remedies filed, rulings handed down and compensation granted for acts of racism, as well as on amparo proceedings instituted as a result of discrimination. This lack of information does not enable the Committee to determine to what extent article 6 of the Convention is being implemented in Argentina or to assess the role and shortcomings of the judicial authorities in this regard.

E. Suggestions and recommendations

21. The Committee recommends that additional information should be provided in the next report on the statutes, membership and activities of the National Institute to Combat Discrimination, Xenophobia and Racism, on the National Institute of Indigenous Affairs and on the implementation of the National Anti-Discrimination Programme.

22. The Committee requests the State party to include any available information in its next report on the socio-economic situation of the members of indigenous communities and ethnic minorities, particularly their participation in the political and economic life of the country and their representation in federal and provincial Government. It also invites the State party to provide specific information in its next report on the practical implementation of all the rights provided for in article 5 of the Convention by all inhabitants of Argentina. In this connection, the Committee draws the attention of the State party to the need to develop indicators to evaluate policies and programmes for the protection and promotion of the rights of vulnerable population groups.

23. The Committee urges the State party to fulfil its obligation under article 4 of the Convention to declare an offence punishable by law any form of racial discrimination, including the dissemination of and propaganda for racist ideas, incitement to racial discrimination, racial violence and the establishment of racist organizations.

24. With regard to the transfer of land to indigenous communities, the Committee recommends that the implementation of provisions adopted for that purpose should be closely followed by the local and federal authorities, including the judicial authorities, in order to prevent and combat any misunderstanding of such provisions. It invites the State party to report to it fully on this question in its next report by specifying to what extent indigenous peoples have been consulted during this process. In this connection, the attention of the State party is drawn to the Committee's General Recommendation No. XXIII on indigenous peoples.

25. The Committee recommends that the State party's fifteenth report should include information on the number and situation of refugees and immigrants in Argentina and on the legal regime applicable to them.

26. Recalling its decision No. 3 (45) of 16 August 1994, the Committee invites the State party to take all measures within its power to expedite the ongoing proceedings in connection with the 1992 and 1994 anti-Semitic attacks and draws its attention to articles 5 (a) and 6 of the Convention in this regard.

27. In respect of article 6 of the Convention, the Committee recommends that the next periodic report of Argentina should contain detailed information on remedies filed, rulings handed down and compensation granted for acts of racism.

28. In connection with the implementation of article 7 of the Convention, the Committee recommends that the State party should take all necessary measures to guarantee the training and education of law enforcement officials, teachers and students on human rights and the prevention of racial discrimination.

29. The Committee recommends that the eleventh to fourteenth reports of the State party and the present concluding observations should be made public and widely disseminated to the population.

30. The Committee recommends that the State party should, as soon as possible, ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

31. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that consideration should be given to the possibility of making that declaration.

32. The Committee recommends that the State party's next report, due on 5 January 1998, should be an update dealing with all the points made in the present observations.

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Norway

1. At its 1232nd and 1233rd meetings, held on 13 and 14 August 1997, the Committee considered the twelfth and thirteenth periodic reports submitted in one document (CERD/C/281/Add.2) and the fourteenth periodic report (CERD/C/320/Add.1) of Norway and adopted, at its 1242nd meeting, held on 21 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the reports presented by the Government of Norway, which follow the guidelines and contain comprehensive, frank and self-critical information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the reports. It expresses its appreciation for the constructive dialogue with the delegation and for the answers given to the questions raised by members. The Committee notes also with appreciation that the State party has made the declaration under article 14 of the Convention and has ratified the amendment concerning article 8, paragraph 6.

B. Positive aspects

3. The overall efforts undertaken and innovative measures adopted by the State party to prevent and combat all forms of racial discrimination are welcomed. In this regard, the recent establishment of a working group which has a mandate to improve legal aid available to victims of racial discrimination is noted, as is the possibility of including resident foreigners on a jury.

4. The adoption by the State party of the Plan of Action to Tackle Acute Situations of Racial Violence and Harassment in a Local Community is also welcomed.

5. The efforts undertaken by the State party to protect the culture, language and way of life of minorities are welcomed. In this regard, the establishment and work of the Sami Assembly is perceived as a positive development.

6. The White Paper on Immigration and a Multicultural Norway issued by the State party in February 1997 is welcomed as a policy framework for the State party developing into a multicultural society. The right of foreigners to participate in local and regional elections is also welcomed. Furthermore, the work undertaken during the period under review by the Interdisciplinary Advisory Group on Community Relations is favourably noted.

7. The amendment of section 292 of the Penal Code by the Act of 7 April 1995, adding racial motivation as an aggravating circumstance when an act of vandalism has been committed, is welcomed.

8. The teaching programme "Norway as a multicultural society" launched by the State party in 1992 is noted. The fact that this training has targeted the police, journalists, teachers, customs officers and health and social workers is regarded positively.

9. The longstanding efforts undertaken by the State party to give immigrant and minority groups access to education in appropriate languages are regarded as a positive factor. Furthermore, the efforts undertaken by the authorities to translate, when necessary, public information into the diverse languages spoken by minority members and immigrants is also welcomed.

10. Cooperation between the State party and non-governmental organizations is noted, as well as the fact that the State party consulted some non-governmental organizations during the drafting of the reports.

C. Principal subjects of concern

11. While acknowledging the constitutional amendment of 15 July 1994, and despite additional information provided by the State party both in oral and written form, concern is expressed regarding the extent to which the International Convention on the Elimination of All Forms of Racial Discrimination is self-executing in domestic law.

12. While noting that the number of complaints concerning racially motivated offences has fallen, concern is expressed that the reasons for this trend are not yet known. Concern is also expressed over allegations that the police are reluctant to institute criminal proceedings in some cases involving racial discrimination. The absence of a sufficiently complete official record of incidents of a racial character in Norway is also a source of concern.

13. Concern is expressed that the State party has not taken all appropriate measures to prohibit organizations which promote and incite racial discrimination in accordance with article 4 (b) of the Convention. Furthermore, the fact that a Norwegian political party promotes racial discrimination is a source of serious concern.

14. Concern is expressed over the publications of anti-immigrant racist organizations and that a radio station is systematically disseminating ideas of racial superiority. Also a matter of concern is the view expressed openly by the leader of the above-mentioned political party that the Sami Parliament should be dissolved.

15. Concern is expressed that foreigners and persons belonging to minority groups may not be sufficiently protected, especially in the fields of labour and housing.

16. The Committee expresses concern that the State party's health services allege that immigrants of African descent disproportionately test positive for HIV, and that Africans have been obliged to undergo tests for HIV simply because they are Africans.

17. Reports of the unjustified deportation of foreign nationals, including in some cases asylum-seekers and unaccompanied children, are a matter of concern.

D. Suggestions and recommendations

18. The Committee requests the State party to clarify in its next periodic report the status of the International Convention on the Elimination of All Forms of Racial Discrimination in domestic law. It would welcome in the next report examples, if any exist, of court decisions illustrating how the Convention is applied in domestic law.

19. The Committee suggests that the competent Norwegian authorities maintain a comprehensive record of all racist acts or incidents and it recommends that they take the necessary measures to facilitate and ensure criminal proceedings whenever appropriate.

20. The Committee recommends that the State party take all appropriate measures to prohibit all racist organizations in conformity with article 4 (b) of the Convention.

21. The Committee recommends that the State party take the necessary measures to prohibit all dissemination of racist propaganda.

22. The Committee recommends that the State party continue to strengthen its efforts to promote understanding and tolerance with regard to immigrants in Norway.

23. The Committee recommends that the State party take all appropriate measures to ensure access to work and housing on a non-discriminatory basis, in conformity with the Convention.

24. The Committee recommends that the State party ensure the wide dissemination of its reports and of the concluding observations of the Committee.

25. The Committee recommends that the State party's next periodic report, due on 5 September 1999, be an updating report and address all the concerns expressed by the Committee.

UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Burkina Faso

1. At its 1236th and 1237th meetings, held on 18 and 19 August 1997, the Committee considered the sixth, seventh, eighth, ninth, tenth and eleventh periodic reports of Burkina Faso, submitted as one document (CERD/C/279/Add.2), and adopted, at its 1242nd meeting, held on 21 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the presentation of the State party's reports and the presence of its delegation and appreciates the opportunity to resume the dialogue with the State party. The Committee regrets, however, that the report did not follow the guidelines established by the Committee for the presentation of reports and that the report lacked concrete information on the practical implementation of the Convention or on laws bearing on issues concerning the Convention. The Committee expresses its appreciation of the delegation's oral presentation, which substantially supplemented the written report.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that the country's difficult economic situation may affect the full implementation of the Convention in Burkina Faso.

C. Positive aspects

4. The spirit of tolerance in Burkina Faso, the State party's active policy of equality and non-discrimination, and the process of democratization embarked upon since the submission of the previous report, are commended.

5. It is noted with satisfaction that the Convention takes precedence over the national legislation and can be directly invoked before the Courts.

6. It is noted with appreciation that the prohibition of discrimination on any ground, in particular of race, ethnic origin, colour, religion or caste, is contained in the Constitution, which makes it an excellent basis for the implementation of the Convention in Burkina Faso.

7. The recent enactment of provisions in the Criminal Code to make racial discrimination a criminal offence is welcomed.

8. The measures taken by the State party to favour the use of and instruction in national languages in education, as well as in the media, are also welcomed.

9. The establishment of the office of Mediator, to consider complaints by any individual against arbitrary acts of the administration, is appreciated.

D. Principal subjects of concern

10. Concern is expressed over the lack of the legal provisions required in order to implement fully the State party's obligations under article 4 of the Convention.

11. The lack of data on the demographic composition of the population and on the representation of ethnic groups at various levels of public life is regretted.

12. Concern is expressed over the absence of data on the enjoyment of economic, social and cultural rights by different sections of the population, and on their access to development projects and programmes in different fields.

E. Suggestions and recommendations

13. The Committee would wish to receive more precise information about the provisions of article 132 of the Criminal Code and of Law 10/92/ADP of 15 December 1992 concerning freedom of association, and in particular whether and how the law provides for the prohibition of all acts of racial discrimination and of organizations which promote racial discrimination.

14. The Committee requests the State party to provide in its next report information in accordance with paragraph 8 of the reporting guidelines on the composition of the population and on the representation of ethnic groups at various levels of public life, as well as on their enjoyment of economic, social and cultural rights.

15. More information is also requested with regard to the progress made in the promotion of national languages and the education of all the population.

16. The Committee also requests information on the powers and functioning of the institution of Mediator and other institutions promoting respect for human rights and multicultural and multi-ethnic understanding.

17. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making such a declaration be considered.

19. The Committee recommends that the State party's next periodic report, due on 17 August 1999, be a comprehensive report and that it address all the points raised in the present observations.

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Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Burundi

1. At its 1238th and 1239th meetings, held on 19 and 20 August 1997, the Committee considered the seventh to tenth periodic reports of Burundi (CERD/C/295/Add.1), and adopted, at its 1242nd meeting, held on 21 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the resumption of the dialogue with the State party, and the presence of a delegation from the capital to present the report. While noting that the report fails to provide concrete information on the implementation of the Convention in Burundi, the Committee expresses its satisfaction to the delegation for answering the many questions raised by members of the Committee during the course of the dialogue.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee recognizes that Burundi is facing many difficulties that have an impact on the implementation of the Convention. In this respect, the Committee makes particular reference to the violent ethnic conflict in the States of the Great Lakes region, including in Burundi; the civil conflict plaguing the country; the massive displacements of populations and flows of refugees within the region, as well as the numerous internally displaced persons; the political instability; and the very difficult economic and social situation, aggravated by the imposition of an economic embargo against the State party since 31 July 1996.

C. Positive aspects

4. The Committee warmly appreciates the efforts of the State party to submit and present its report under adverse circumstances.

5. The Committee welcomes the declared willingness of the State party to restore peace and security in Burundi through political dialogue to be held in September 1997 in Tanzania, which it is hoped could produce a government satisfactory to all parties. The declared policy of the Government to end impunity for perpetrators of human rights violations, is also welcomed by the Committee.

6. The establishment of a Ministry responsible for Human Rights and of a National Centre for Human Rights is welcomed. The fact that the Government encourages the establishment of independent leagues and associations for the promotion and protection of human rights is viewed as a positive factor.

7. The fact that the Penal Code, in its article 180, penalizes racial or ethnic discrimination and hatred, and that the Political Parties Act prohibits discrimination based on ethnic grounds and makes it an offence under its articles 5 and 63, respectively, is noted with satisfaction.

8. Note is taken with appreciation of the oral invitation to the Commission to send members to Burundi to assess the situation with respect to the implementation of the Convention in practice. This is viewed as a constructive means of pursuing the dialogue with the State party, and shows the latter's willingness to improve the implementation of the provisions of the Convention.

D. Principal subjects of concern

9. The main concern of the Committee is the continuation of acts of violence and killing between people of different ethnic background in Burundi.

10. The understanding of the notions of "race" and "ethnic origin" by the State party, as expressed in paragraphs 5, 6 and 23 of the report, and reiterated by the delegation in its oral statement, are a matter of concern. The Committee emphasizes that article 1, paragraph 1, of the Convention defines as racial discrimination any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has either the purpose or the effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis in the political, social, cultural or any other field of public life. Moreover, the attention of the State party is called to the Committee's General Recommendation VIII, which provides that the identification of individuals as members of a particular racial or ethnic group shall be based upon self-identification by the individual himself. In the present case, it is believed that a large part of the population of the State party identifies itself as belonging to one of the three ethnic groups living in the country,

either the Tutsis, the Hutus or the Twas, and that important parts of the population are living in conditions which do not guarantee the exercise of human rights under equal terms.

11. It is regretted that concerns expressed and recommendations made by the Committee in its concluding observations of 17 March 1994, and in its decision 1 (47) of 1995 and resolution 1 (49) of 1996 on the situation in Burundi, adopted under the Committee's prevention of racial discrimination, including early warning and urgent procedures, have not been addressed in the present report.

12. It is regretted that the status of Decree-Law No. 1/001 of 13 September 1996, which regulates the transitional institutional system, the current powers and activities of the National Assembly, and the functions and powers of the National Centre for Human Rights and the Abashingantahe Council, have not been fully clarified.

13. The insufficiency of information in the report in connection with article 3 of the Convention is regretted. In this respect, the Committee calls the attention of the State party to its General Recommendation XIX.

14. The Committee expresses concern over reports of delays in the prosecution of those responsible for the assassination of President Ndadaye. It is equally concerned over the slow progress in prosecuting and punishing perpetrators of mass killings and disappearances. The delays cast doubts upon the effective implementation of the Government's policy of ending the pattern of impunity.

15. It is noted with concern that no specific legislation has been adopted to implement fully the provisions of article 4 of the Convention, and that no information was provided in the report on the implementation of this article in practice.

16. The lack of information on the enjoyment by the various groups within the population of all the rights laid down in article 5 of the Convention is regretted, all the more so since numerous reports make reference to discrimination against the Hutus and the Twas in the enjoyment of certain rights, such as the rights incorporated in article 5 (a), (b), (d) (i), (e) (i), (iv), (v), and (f), of the Convention.

17. The insufficiency of information received on regroupment camps in general, and, in particular, on the ethnic composition of the people in the camps and the situation and conditions of life prevailing therein, is regretted. Concern is expressed over reports that people, mostly of Hutu origin, are forced by the police to leave their homes and settle in regroupment camps, which are kept under the control of the army, in violation of article 5 (d) (i) of the Convention.

18. While the statement made by the delegation that an appeal was sent to Burundi refugees in neighbouring countries to return to Burundi is welcomed, the lack of information on measures taken to ensure their repatriation and their safe return is regretted. Similarly, the lack of information on the situation of refugees living in Burundi is regretted,

all the more so since reports state that their rights to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group or institution, under article 5 (b) of the Convention, is not always guaranteed.

19. With respect to article 6 of the Convention, concern is expressed over the lack of legislative provisions to implement the right to just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination. Moreover, the absence of complaints against acts of racial discrimination raises doubts as to the extent of the publicity given to, and the effectiveness of, available remedies for victims of racial discrimination.

20. In connection with article 7 of the Convention, while the statements of policy and the programmes launched by ministerial departments cited in the report are welcomed, the lack of information on concrete steps undertaken to comply with its provisions is regretted.

E. Suggestions and recommendations

21. The Committee recommends that the next periodic report provide information on the representation of members of the Tutsi, Hutu and Twa ethnic groups in the Government, the administration, the judiciary, the police and the army. It further recommends that the Government, while restructuring the country, take into consideration the Committee's concluding observations of 17 March 1994, its decision 1 (47) of 1995 and its resolution 1 (49) of 1996.

22. The Committee also recommends that information be provided by the State party in its next periodic report on the place of Decree-Law No. 1/001/96 in the domestic legal order, on the situation with respect to the current powers and activities of the National Assembly, as well as on the respective powers and functions of the National Centre for Human Rights and the Abashingantahe Council.

23. In connection with the implementation of article 3 of the Convention, the Committee recommends that, in the light of its General Recommendation XIX, comprehensive information be provided by the State party in its next periodic report on measures taken to prevent, prohibit and eradicate all practices of racial segregation in Burundi.

24. The Committee urges the Government to further its efforts to bring to an end the impunity of perpetrators of human rights violations and to accelerate the procedures currently under way. In this respect, the Committee emphasizes the need for the investigation, prosecution and punishment of those found guilty of such crimes, in order to restore confidence in the rule of law and as an indication that their recurrence will not be tolerated by the authorities.

25. The Committee reaffirms that the provisions of article 4 of the Convention are mandatory, as stated in its General Recommendation VII (32). The Committee stresses in this regard that the State party should fulfil all its obligations under this article and, in doing so, it take fully into account the Committee's General Recommendation XV (42).

26. The Committee recommends that action be taken at the legislative, administrative and judicial levels to protect the right of everyone, without discrimination, to enjoy their rights under article 5 of the Convention, especially the rights to equal treatment before the courts and all other organs administering justice; to security of person and protection by the State against violence or bodily harm; to freedom of movement and residence within the borders of the State; to work; to public health and medical care; to education and training; and of access to any place or service intended for use by the general public. It further recommends that comprehensive information on the implementation of this article be provided in the State party's next periodic report.

27. Further information on the situation prevailing in the regroupment camps, as well as on the ethnic composition of people settled therein and the possibility for the latter to freely leave or settle in the camps, is requested.

28. The Committee also requests information in the next periodic report on measures taken to ensure the safe repatriation of refugees to Burundi, and to protect from violence refugees living within Burundi.

29. The Committee recommends that the State party ensure protection against any acts of racial discrimination through the competent courts, in accordance with article 6 of the Convention, by, inter alia, strengthening the court system, the independence of the judiciary and the confidence of the population therein. It further recommends that the right to seek just and adequate reparation for victims of acts of racial discrimination be guaranteed in law and practice.

30. In connection with the implementation of article 7 of the Convention, the Committee recommends that all necessary measures be taken to provide training and education of law enforcement officers, civil servants, magistrates and lawyers, as well as teachers and students, at all levels of education, in the field of human rights and prevention of racial discrimination.

31. The Committee, aware that the resolution of the ethnic conflict in Burundi cannot be achieved without a resolution of the conflict in the Great Lakes region, urges the Burundi authorities to take all the necessary measures, in cooperation with neighbouring countries, to find ways and means to restore peace and security in Burundi.

32. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

33. The Committee recommends that the State party's next periodic report, due on 26 November 1998, be a comprehensive report and that it address all the points raised in the present observations.